

12-27-02

#7

DAC



Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)

Isabelle Guyon et al.)

Examiner: Unknown

Serial No. 10/057,849)

Art Unit: Unknown

Filed: January 24, 2002)

RECEIVED

For: METHODS OF IDENTIFYING)
 PATTERNS IN BIOLOGICAL SYSTEMS)
 AND USES THEREOF)

DEC 31 2002

OFFICE OF PETITIONS

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. § 1.47(b)

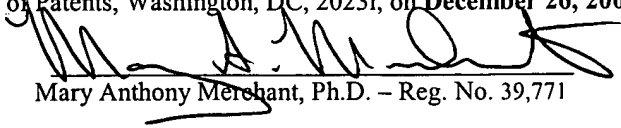
Commissioner of Patents & Trademarks
 Washington, DC 20231

Sir:

Applicants request the reconsideration of the Petition under 37 C.F.R. §1.47(b), filed October 8, 2002, for the above-referenced application. Applicants herein provide evidence of that the uncooperative co-inventors received the application papers (specification, claims, drawings and Declaration and Power of Attorney document); an acceptable Declaration in compliance with 35 U.S.C. §§ 115 and 116; and a showing that such action is required to prevent irreparable damages.

The two co-inventors, Isabelle Guyon and Jason Weston, refuse to sign documents relating to the filing of this application. BIOwulf Technologies, LLC., (also known as BIOwulf, LLC), and the Attorneys of Record have used diligent efforts in communicating with co-inventors Isabelle Guyon and Jason Weston. Both co-inventors have

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Label No. EL 889242475 in an envelope addressed to Commissioner of Patents, Washington, DC, 20231, on December 26, 2002.


 Mary Anthony Merchant, Ph.D. - Reg. No. 39,771

refused to cooperate and continue to refuse to cooperate in completing the documents necessary to complete the filing of the above-referenced application.

The co-inventors were employees of BIOwulf Technologies, LLC., at the time the inventions described in this application were invented and at the time the Application was filed. The co-inventors assigned, to BIOwulf Technologies, Inc., the invention relating to this application, which is disclosed in the provisional applications to which this application claims priority. Furthermore, in assigning the applications to BIOwulf Technologies, Inc., Isabelle Guyon and Jason Weston agreed to "sign all lawful papers, execute all nonprovisional applications and other applications, make all assignments and rightful oaths, and generally do everything possible to aid BIOwulf Technologies, LLC, its successors, assigns, and nominees, to obtain and enforce proper protection for all said inventions and improvements in all countries throughout the world."

The supplemental declaration of Janina A. Malone, Attorney of Record, and the declaration of Lesley Andrews, paralegal, provide evidence of providing the applications to the co-inventors and the attempts to contact Isabelle Guyon and Jason Weston, and are included with this Request for Reconsideration, along with Exhibits E, O, S, P, M, T, R and I.

The application papers (specification, claims, drawings and Declaration and Power of Attorney document) were sent to both co-inventors. In accordance with our normal and regular procedure, a copy of the above-referenced application, as filed, which includes the specification, claims, and drawings, was sent to BIOwulf Technologies, LLC, for transmission to the co-inventors. Once a serial number was received from the U.S. Patent and Trademark Office, the Declaration and Power of Attorney documents were sent under separate cover to BIOwulf Technologies, LLC for transmission to the co-inventors. Both the application and the Declaration and Power of Attorney documents were transmitted to Jason

LLC. As evidenced by Isabelle Guyon's statements in Exhibit I, she received the application and Declaration and Power of Attorney document and has refused to execute the Declaration and Power of Attorney document. We know that Isabelle Guyon received the application and the Declaration and Power of Attorney document, but because we have never received any further communications from Jason Weston, we can only assume that the document and application that were transmitted in our regular and normal manner to Jason Weston, were received by Jason Weston. We did not receive notification from Marge Webber of any difficulties, such as an email rebound message, in contacting Jason Weston. As stated in the Declaration of Lesley Andrew, Jason Weston signed for the Federal Express package containing the corresponding international application for the above-referenced U.S. application. The specification, drawings and claims of the international application and the U.S. application are identical. Therefore, both Jason Weston and Isabelle Guyon have received copies of the above-referenced application as well as the Declaration and Power of Attorney documents requiring their signatures.

Isabelle Guyon has expressly refused to execute the Declaration and Power of Attorney document. We have received no communication from Jason Weston even though he has been repeatedly contacted. Based on his signature for the Federal Express package, we know that we were sending correspondence to his correct address.

As stated in the Declaration of Stephen Barnhill, the failure of the U.S. Patent and Trademark Office to grant a filing date for and examine the above-referenced application will cause irreparable damage to BIOwulf Technologies, LLC., in that BIOwulf Technologies, LLC., will not be able to preserve the patent rights for an invention arising from research that the company conducted and funded.

BIOwulf Technologies, LLC., and Attorneys of Record have repeatedly contacted Isabelle Guyon and Jason Weston. Isabelle Guyon and Jason Weston are not

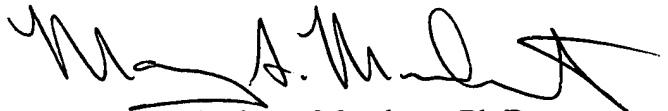
responding to communications sent to them by various methods, and have failed to execute documents necessary for the filing of the above-referenced patent application. Therefore, BIOwulf Technologies, LLC., requests that the Petition to declare Isabelle Guyon and Jason Weston uncooperative inventors be reconsidered and granted so that the rights in the invention held by BIOwulf Technologies, LLC., will be maintained, and so that the patent application can proceed to examination by the U.S. Patent and Trademark Office.

Included with this Request for Reconsideration of the Petition is a Declaration and Power of Attorney document executed by Stephen Barnhill, President of BIOwulf Technologies, LLC.

Should any further fees be required for this reconsideration, please charge them to the Deposit Account 11-0855.

Respectfully submitted,

KILPATRICK STOCKTON LLP



By: Mary Anthony Merchant, Ph.D.
Attorney for Applicants
Reg. No. 39,771

KILPATRICK STOCKTON LLP
Suite 2800
1100 Peachtree Street
Atlanta, GA 30309-4530
404-745-2461
Our Docket: 02331-0161 (42286-267669)



DECLARATION AND POWER OF ATTORNEY

Attorney's Docket No. 02331-0161 (42286-267669)

In re Application of: **Isabelle Guyon and Jason Weston**
As a corporate officer, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe Isabelle Guyon and Jason Weston are the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Methods of Identifying Patterns in Biological Systems and Uses Thereof**, the specification of which:

☒ was filed on January 24, 2002 as Application No. 10/057,849.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before Isabelle Guyon and Jason Weston's invention thereof, or patented or described in any printed publication in any country before Isabelle Guyon and Jason Weston's invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office*, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

<u>Application No.</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed Under 35 USC §119</u>
			Yes _____ No _____
I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:			
<u>60/263,696</u> (Application No.)	<u>January 24, 2001</u> (Filing Date)	<u>60/298,757</u> (Application No.)	<u>June 15, 2001</u> (Filing Date)
<u>60/275,760</u> (Application No.)	<u>March 14, 2001</u> (Filing Date)	<u>60/083,961</u> (Application No.)	<u>May 1, 1998</u> (Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
09/633,410	August 7, 2000	Pending
09/578,011	May 24, 2000	Pending
09/568,301	May 9, 2000	Allowed
09/303,387	May 1, 1999	Patented

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

RECEIVED
DEC 31 2002
OFFICE OF PETITIONS

Attorney Docket No.: 02331-0161 (42286-267669)

Title: Methods of Identifying Patterns in Biological Systems and Uses Thereof

Page 2

POWER OF ATTORNEY: The following attorneys are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Customer Number 23370

Direct all correspondence to: Customer Number 23370

Direct telephone calls at 404-815-6500, to John S. Pratt

AFFIX BAR

CODE LABEL →
HERE



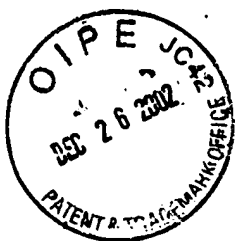
23370

PATENT TRADEMARK OFFICE

Full name of sole or first inventor: Isabelle Guyon	Citizenship: France
Inventor's signature	Date:
Residence and Post Office Address: 955 Creston Road, Berkeley, California, 94708	

Full name of second inventor, if any: Jason Weston	Citizenship: United Kingdom
Inventor's signature	Date:
Residence and Post Office Address: 20 Burhill Way, St. Leonard's on Sea, Sussex TN 38 OXP, ENGLAND	

Full name of President of BIOwulf Technologies, L.L.C.: Stephen Barahill	Citizenship: United States
President's signature	Date: 12/24/2002
Residence and Post Office Address: 2 Springfield Place, Savannah, GA 31405	



8

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patents

In re Application of:

Isabelle Guyon and Jason Weston

Serial No. 10/057,849

Filed: January 24, 2002

For: METHODS OF IDENTIFYING PATTERNS IN
BIOLOGICAL SYSTEMS AND USES THEREOF)

Examiner: Unknown

Art Unit: 2122

DECLARATION OF STEPHEN BARNHILLCommissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

I, Stephen Barnhill, declare as follows:

1. I am President of BIOwulf, L.L.C.
2. Isabelle Guyon and Jason Weston are the inventors of the above-referenced application.
3. At the time of the invention, Isabelle Guyon and Jason Weston were employees of BIOwulf, L.L.C.
4. Isabelle Guyon and Jason Weston have refused to execute the necessary documents for completing the filing process for the above-referenced application.
5. The failure of the U.S. Patent and Trademark Office to grant a filing date for the above-referenced application will cause irreparable damage to BIOwulf, L.L.C. in that it will not be able to preserve the patent rights for an invention arising from research the company funded.
6. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims. I do not know and do not believe that the same was ever known or used by other in the United States of America before the invention by Isabell Guyon and Jason Weston, or patented or described in any printed

Serial No.: 09/715,832
Filed: November 17, 2000
Page 2

publication in any country before the invention by Isabelle Guyon and Jason Weston. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, C.F.R. §1.56.

7. I further declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the issued patent.

Dated: 12/24/2002



Stephen Barnhill
President BIOwulf, L.L.C.

Our Docket Number : 02331-0161 (42286/267669)



Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Guyon *et al.*

Serial No.: **10/057,849**

Filed: **January 24, 2002**

For: **Methods of Identifying Patterns in Biological
Systems and Uses Thereof**

)
)
)
)
) Art Unit: **2122**
)
) Examiner: **Unknown**
)
)
)

DECLARATION OF LESLEY ANDREW

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

I, Lesley Andrew, having first-hand knowledge of the facts recited herein,
declare as follows:

1. I am currently a paralegal with Kilpatrick Stockton LLP.
2. Jason Weston and Isabelle Guyon are both named as a joint inventors
in the above-referenced patent application.
3. On May 13, 2002, I received an e-mail, per my request, from Marge
Webber at BIOwulf Technologies, LLC providing me with the last known addresses
for Jason Weston and Isabelle Guyon. A copy of the e-mail is attached as Exhibit
“E”.
4. On May 13, 2002, an Appointment of Agent for the related
international patent application and a copy of the international patent application,
which is identical in content to the above-referenced U.S. Application, was sent to
Jason Weston via Federal Express International Priority (Tracking No. 7905 2433
9279) at 20 Burhill Way, St. Leonards on Sea, Sussex, TN380XP, United Kingdom.
The envelope contained a return Federal Express envelope for the return of the

executed Appointment of Agent. A copy of the Federal Express Bill Slip is attached as Exhibit "O".

5. On May 13, 2002, an e-mail was sent to Jason Weston notifying him that the Appointment of Agent and a copy of the related patent application was being sent to him via Federal Express International Priority. A copy of the e-mail is attached as Exhibit "S".

6. On May 15, 2002, Jason Weston received the Appointment of Agent and a copy of the related international patent application via Federal Express International Priority. A copy of the Federal Express shipment e-mail confirmation is attached as Exhibit "P".

7. On August 2, 2002, an e-mail was sent to Marge Webber at BIOwulf Technologies, LLC requesting a current e-mail address for Jason Weston. A copy of the e-mail including Ms. Webber's response is attached as Exhibit "M".

8. On September 24, 2002, an e-mail was sent to Jason Weston notifying him that our office had not received the Appointment of Agent and requesting him to sign and date the document. A copy of the e-mail is attached as Exhibit "T".

The undersigned declares further that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of any patent issuing on this application.

Date: 12/18/02

Lesley Andrew
Lesley Andrew

KS File: 02231-0161 (42286/267669)

Andrew, Lesley

From: Marge Webber [marge.webber@sysconn.com]
Sent: Monday, May 13, 2002 11:31 AM
To: Andrew, Lesley
Subject: addresses
Importance: High

Lesley - Isabelle and Jason as follows:

Dr. Isabelle Guyon
955 Creston Road
Berkeley, CA 94708

Dr. Jason Weston
20 Barhill Way
St. Leonard's On Sea
TN 38 0XP
England



Orig. ID: QFEA
From: JANET PECK (404) 745-2442
KILPATRICK STOCKTON LLP
1100 PEACHTREE ST., SUITE 2800

ATLANTA
GA 30309 (US)

To: Jason Weston, Ph.D. 4048156500

20 Burhillil Way
St. Leonard's on Sea
Sussex UK TN380XP UNITED KINGDOM (GB)

Description
non-dutiable documents

Country Mfg.

NDR 30.55(h)

IRS/EIN:
SHIP DATE: 13MAY02
WEIGHT: 2.5 LBS

CUSTOM VALUE: 0.00 USD
CARRIAGE VALUE: 0.00 USD

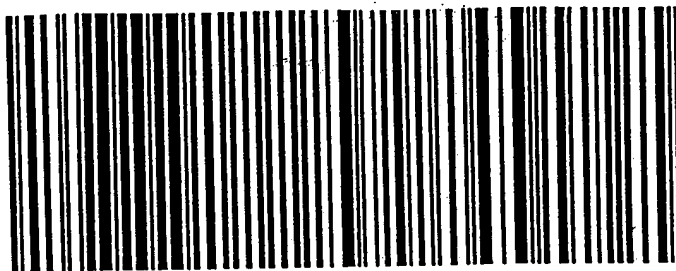
BILL T/C: S 030009843
BILL D/T: S 030009843

Ref: 269222
Signature: JANET PECK

TRK # 7905 2433 9279 FORM 0430

FedEx INTL PRIORITY PAK

TN380XP UK GB



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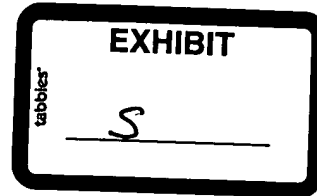
Ship a New Package



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DEC 31 2002
OFFICE OF PETITIONS

Andrew, Lesley

From: Andrew, Lesley
Sent: Monday, May 13, 2002 2:50 PM
To: Jason Weston (E-mail)
Subject: PCT Patent Application



Hi Jason,
I am sending you today via Federal Express International Priority an Appointment of Agent for the application filed on January 24, 2002 entitled "Methods of Identifying Patterns in Biological Systems and Uses Thereof". If possible, please return the signed and dated Appointment of Agent to our office by Monday, May 20, 2002. Please let me know if you have any questions.

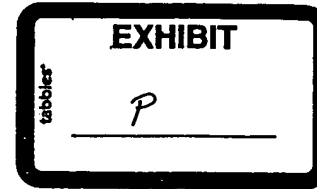
Thank you.
Lesley L. Andrew
Paralegal

Lesley L. Andrew, Paralegal
Kilpatrick Stockton LLP
Suite 2800
1100 Peachtree Street
Atlanta, Georgia 30309
404.745.2491
landrew@kilpatrickstockton.com

Andrew, Lesley

02331-0161WP

Fr m: Peck, Janet
Sent: Wednesday, May 15, 2002 1:51 PM
To: Andrew, Lesley
Subject: FW: FedEx shipment 790524339279



-----Original Message-----

From: sysdeliv@esprim5.prod.fedex.com
[mailto:sysdeliv@esprim5.prod.fedex.com]
Sent: Wednesday, May 15, 2002 1:48 PM
To: jpeck@kilpatrickstockton.com
Subject: FedEx shipment 790524339279

Our records indicate that the shipment sent from JANET PECK/KILPATRICK STOCKTON LLP to Jason Weston, Ph.D. has been delivered. The package was delivered on 05/15/2002 at 1:15 PM and signed for or released by W.ESTON.

The ship date of the shipment was 05/13/2002.

The tracking number of this shipment was 790524339279.

Thank you for shipping with FedEx Ship Manager at FedEx.com.
https://www.fedex.com/cgi-bin/ship_it/interNetShip/

To track the status of this shipment on line click on the following:
http://www.fedex.com/cgi-bin/tracking?tracknumbers=790524339279&action=track&language=english&cntry_code=us

Disclaimer

FedEx has not validated the authenticity of any email address.

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DEC 31 2002
OFFICE OF PETITIONS

Andrew, Lesley

EXHIBIT

From: Andrew, Lesley
Sent: Friday, August 02, 2002 2:26 PM
T: 'Marge Webber'
Subject: RE: Jason Weston

Thanks. Have a great vacation. Going anywhere fun?

-----Original Message-----

From: Marge Webber [mailto:marge.webber@sysconn.com]
Sent: Friday, August 02, 2002 2:13 PM
To: Andrew, Lesley
Subject: Re: Jason Weston

jaseweston@hotmail.com

Lesley - FYI..I will be on vacation 8/8 thru 8/15 (back Friday 8/16).
There
will be no one covering for me so if an answer is needed during that
time,
please contact Tim at timohayer1@cs.com.

Thanks!

----- Original Message -----

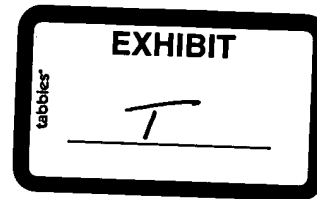
From: "Andrew, Lesley" <LAndrew@KilpatrickStockton.com>
To: <marge.webber@sysconn.com>
Cc: "Merchant, Mary An" <MaMerchant@KilpatrickStockton.com>; "Musick,
Eleanor" <emusick@KilpatrickStockton.com>
Sent: Friday, August 02, 2002 2:06 PM
Subject: Jason Weston

> Hi Marge,
> We have not received Appointments of Agent back from Jason Weston for
the
> international patent applications where he is listed as an
> applicant/inventor. Will you please provide me with his e-mail
address so
> that I may request the return of the documents?
>
> Thank you.
>
> Lesley L. Andrew, Paralegal
> Kilpatrick Stockton LLP
> Suite 2800
> 1100 Peachtree Street
> Atlanta, Georgia 30309
> 404.745.2491
> landrew@kilpatrickstockton.com
>

Andrew, Lesley

From: Andrew, Lesley
Sent: Tuesday, September 24, 2002 10:03 PM
To: 'jaseweston@hotmail.com'
Cc: Merchant, Mary An; Musick, Eleanor
Subject: Appointments of Agent

Importance: High



Hi Jason,
Further to our letters dated May 13, May 24 and June 19, please note that we have not received the Appointments of Agent from you for the BIOwulf international patent applications listing you as one of the applicants/inventors. For your convenience, attached are the Appointments of Agent that need to be signed and dated. Please sign, date and send them to our office via facsimile as soon as possible. If you have any questions, please do not hesitate to contact our office.
Thank you.

Lesley L. Andrew, Paralegal
Kilpatrick Stockton LLP
Suite 2800
1100 Peachtree Street
Atlanta, Georgia 30309
404.745.2491 (direct telephone)
404.541.3111 (direct facsimile)



02331-0343WP appt.
of agent fo...



02331-0311WP
appointment of ag...



02331-0161WP
Appointment of Ag...



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Isabelle Guyon et al.) Examiner: **Unknown**
)
Serial No. 10/057,849) Art Unit: **2122**
)
Filed: **January 24, 2002**)
)
For: **METHODS OF IDENTIFYING PATTERNS IN)
BIOLOGICAL SYSTEMS AND USES THEREOF)**

SUPPLEMENTAL DECLARATION OF JANINA A. MALONE

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

I, Janina A. Malone, having first-hand knowledge of the facts recited herein, declare as follows:

1. It was our standard and usual practice to transmit a filed patent application to the corporate office of BIOwulf Technologies, LLC and for BIOwulf Technologies, LLC, to transmit the application to the inventors. (See Exhibit R)

2. As shown in Exhibit I, the application and the Declaration and Power of Attorney were transmitted to Jason Weston and Isabelle Guyon by Marge Webber, a former employee of BIOwulf Technologies, LLC.

3. In Exhibit I, Isabelle Guyon indicated that she had received and read the application.

4. On June 3, 2002, Isabelle Guyon responded to the request to execute the Declaration and Power of Attorney sent in Exhibit H by electronic mail, indicating receipt of the Declaration and Power of Attorney and refusing to execute the Declaration and Power of Attorney. (See Exhibit I)

5. I have not received any communication from Jason Weston.

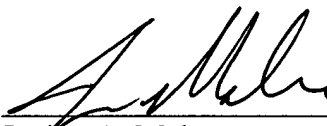
6. Neither Isabelle Guyon nor Jason Weston have returned the Declaration and Power of Attorney to Applicants' representative.

Supplemental Declaration of Janina A. Malone
Serial No. 10/057,849
Page 2

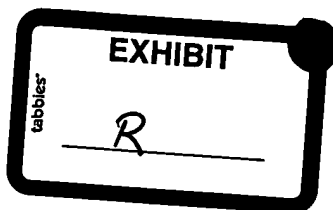
7. Isabelle Guyon has expressly stated that she will not sign the Declaration and Power of Attorney (see Exhibit I).

The undersigned declares further that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of any patent issuing on this application.

Date: 12/18/02


Janina A. Malone

Our Docket No.: 02331-0161 (42286/267669)



January 29, 2002

Timothy O'Hayer
Chief of Operations
BIOwulf Technologies, LLC
532 Stephenson Avenue, Suite 200
Savannah, Georgia 31405

Re: Patent Application entitled "METHODS OF
IDENTIFYING PATTERNS IN BIOLOGICAL SYSTEMS
AND USES THEREOF"
Our File: 02331-0161 (42286-267669)

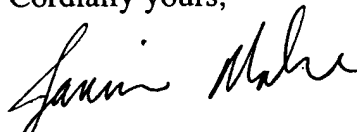
Dear Tim:

We mailed the referenced patent application to the U.S. Patent & Trademark Office on January 24, 2002, using the Express Mail filing procedure authorized by the Patent Office.

With the Express Mail filing, the date of mailing becomes the actual filing date for this patent application. Accordingly, the terms "patent pending" or "patent applied for" now apply to this invention.

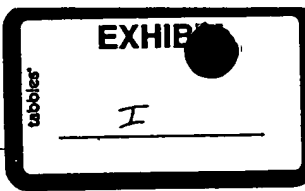
The Patent & Trademark Office will send us an official filing receipt for this patent application in a few weeks, and we will then notify you. Meanwhile, we are enclosing a copy of the application as filed.

Cordially yours,

A handwritten signature in black ink, appearing to read "Janina A. Malone".

Janina A. Malone

JAM:ckf
Enclosure
cc: Mary Anthony Merchant, Ph.D. (w/o enclosure)



Malone, Janina

From: Isabelle Guyon [isabelle@clopinet.com]
Sent: Monday, June 03, 2002 2:41 PM
To: Marge Webber
Cc: jmalone@kilpatrickstockton.com; Timothy O'Hayer; Jason Weston
Subject: Re: Documents

Re: Patent application "Method of Identifying Patterns in Biological Systems and Uses Thereof",
Attorney docket no: 02331-0161 (42286-267669)

June 3, 2002

Dear Marge,

Thank you for your mail. After reviewing the document that you are asking me to sign and the heavy patent application, I have the following comments:

- 1) As per the declaration of power of attorney, I have the "duty of candor" to disclose all I know and not make wrong claims. As it turns out, I know for sure that we cannot make claim 1, as there was prior art. The other claims would be fine, except that I do not really understand claim 5.
- 2) In the description of the invention, everything up to page 38 has not been drawn from work I have done, and I do not think it was drawn from Jason's work either. I cannot endorse the validity and certainly not authorship of that work.
- 3) There are a number of patent applications referenced to by numbers of which I do not have a record. I need to be sent the titles, authors, abstracts and claims of these patents together with their filing number (not a box of papers with all the text please) so that I know what they are referring to.
- 4) For the rest, I can certainly not claim that I have reviewed it thoroughly enough to sign the declaration of power of attorney the way it is phrased and certainly would not want to risk fine or imprisonment. This is an enormous amount of work. I got a copy only end of May with just a few day's notice to sign the first appointment document I received (which I did sign).

As per my contract and also as I feel is my duty, I have obligation to help you. However, I need to get notice soon enough that I have enough time to review the material you send me. I should request 6 weeks to review the filings that you send me. At the time I receive the proposed filing document, I would like to get also ALL the documents I will have to sign so that I can also review them and make sure that I comply with the law requirements.

Also as per my contract, the company should pay me for my assistance my standard hourly rate and indemnize me with \$100 per patent filed. Since the company owes me already \$507.23 in unpaid expenses and \$5700 in salaries, I should require to be paid in advance.

Thank you very much in advance.
Best regards,

Isabelle Guyon

CC: Janina Malone, Tim O'Hayer, Jason Weston

Marge Webber wrote:

Isabelle and Jason - I have received the attached from our patent attorneys today. As the time to

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file the response is so close, I am using this means to get this to you for your review and signature. Would it be possible for you to fax your signature page directly to them at (404) 541-3290 and follow this with sending the originals to: Kilpatrick Stockton, Attn: Janina Malone, 1100 Peachtree Street, Suite 2800, Atlanta, GA 30309. And I hate to add to the burden, but if you would also fax it to me (for my records) at 912-691-2757, I would really appreciate it! Thanks for your help. Marge

----- Original Message -----

From: Flagler, Christy

To: 'marge.webber@sysconn.com'**Cc:** Malone, Janina**Sent:** Friday, May 31, 2002 1:59 PM**Subject:** Documents

Marge:I am attaching the two documents. As we discussed on the phone, the Response to Missing Parts due date is June 8th. Since June 8 is a Saturday, we have until the 10th to file the Declaration and Power of Attorney as part of the Response. If you have any questions please give me or Janina a call. I will forward the originals by mail. Christy Flagler

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Direct Dial: 404-745-2456

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